

Legal and Policy Subcommittee
September 8, 2010
Meeting minutes

Present: Charlie Covin, Jill Kentfield, Marianne Horn, Helen George, Michelle DeBarge, Phyllis Hyman, Kenneth Dardick, John Lynch, Lisa Boyle and Marcia Petrillo (by phone)

1. Opening Remarks:

- Discussion took place regarding the past 2 meetings. Helen George, seconded by Phyllis Hyman made a motion to approve the minutes of the past 2 meetings. Motion carried unanimously.
- Public meetings on plans: Discussion took place about comments from the public regarding the strategic and operational plan that impacts the Legal and Policy Subcommittee.

2. Discussion took place regarding the legal and policy section of the strategic and operational plan:

- Members will look at the 4 pages of the plan to make the consent model user-friendly and include more information about privacy. Deadline for comments regarding plan is Friday September 10, 2010.
- Discussion took place regarding the “break the glass” emergency exemption. It was mentioned that the State of Maine may have a policy already in place that includes a “break the glass” model. A conference call with Maine will be set up to discuss the policy.
- A motion to add information into the plan regarding the “break the glass” option, which will cover generic PHI. The motion was amended to include detail on the audit process, still making it as unobtrusive as possible. The motion as amended passed unanimously.
- “Tiger Team”: Marianne and Lisa Boyle provided information regarding the Tiger Team’s efforts regarding consent models. This effort will be tracked.

3. HIPAA preemption analysis – a summer law clerk produced a memo, which identified any updates, and new laws that would be implicated in the exchange of Health Information. There are 6 categories, which include: HIV/AIDS, drug and alcohol, pharmacy, STDs, nursing homes, psych and mental health. Members of the subcommittee offered to review each section to determine if the current state law is preempted by HIPAA or more stringent.

4. Legislative Mandates: Discussion took place regarding the need for current legislation. DPH has a deadline of October 1st to submit their legislative proposals. Helen George made a motion, seconded by Lisa Boyle to come up with an HIE placeholder to allow the HIE to receive and transmit information. Motion carried unanimously. Helen will provide the subcommittee with some ideas for legislation based on other states’ legislation.

5. A brief discussion regarding the transition to HITE-CT took place.

The next Legal & Policy subcommittee meeting will take place on Tuesday, October 5, 2010, 8:30 –10 AM to discuss HIPAA preemption analysis and legislative change.

10:19 AM - Lisa Boyle, seconded by Marianne Horn made a motion to adjourn. Motion carried unanimously.